

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE

WRIT PETITION NO.392 OF 2005

Nandkumar Vithoba Bandgar. ...Petitioner.

Vs.

Maharashtra Public Service Commission & Ors. ...
Respondents.

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Mr. A. M. Kulkarni for the Petitioner.

Mr. P. M. Pradhan for Respondent No.1.

Mr. P.M. Patil, AGP for Respondent No.2.

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**CORAM : A.P. SHAH AND
DR.D.Y.CHANDRACHUD, JJ.**

June 9, 2005.

P.C.:

A notification was issued inviting applications for the post of Assistant Public Prosecutor. It appears that the number of prima facie eligible candidates from the Special Backward Class and N.T. (C) category was quite large and it was not practicable to call all the candidates for interview for advertised 13 posts of Special Backward Class and N.T.(C) category. The Maharashtra Public Service Commission, therefore, decided to short list the candidates for interview by prescribing experience of 7 years in the

case of NT(C) category and 8 years for Special Backward Class category. It is well settled that there is no obligation to call for all the candidates satisfying the minimum eligibility requirement. Where the number of applicants is high, unless the statute or the rule specifically provide otherwise, the number of candidates to be called for interview, has necessarily to be in reasonable proportion to the number of vacancies to be filled in and all the candidates need not be called for interview. (See M. P. Public Service Commission v. Navnit Kumar Potdar, AIR 1995 SC 77, R.H. Patil v. High Court of Karnataka, 1996 LAB I.C. 2214 and Union of India Vs. T. Sundararaman, (1997) 4 SCC 664).

2. The Learned Counsel for the Petitioner, however, submitted that the Supreme Court has taken a different view in **State of Punjab and others vs. Manjit Singh and others**, (2003) 11 SCC 559. We have gone through this judgment and we do not think that the decision is applicable to the facts of the present case. The issue involved in that case was, whether it was competent for the Punjab Public Service Commission to resort to screening test

with a view to short list the number of candidates to bring it to the requisite ratio and whether a written test could be held to fix some minimum cut-off marks, where the process of selection was by interview of eligible candidates belonging to the reserved category. The Court reiterated that the Commission has power for such a short listing but held that it was not proper to fix any minimum qualifying marks. This issue does not arise in the instant case.

3. In the result, the Petition is dismissed. Interim order passed on 3rd March 2005 is vacated.

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